



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JAN 28 2011**

REPLY TO THE ATTENTION OF:

**AE-17J**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

James H. Rourke, President, Industrial Products Division  
Mueller Brass Company  
302 Ashfield Street  
Belding, Michigan, 48809

**Re: Finding of Violation**  
Mueller Brass Company  
Belding, Michigan

Dear Mr. James Rourke:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Mueller Brass Company (you). We find that you are violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, at your Belding, Michigan facility. Specifically, Mueller Brass Company is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Nonferrous Metals Processing Area Sources at 40 C.F.R. Part 63, Subpart TTTTTT.

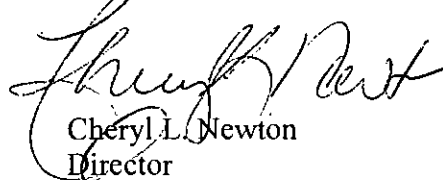
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Eleanor Kane. You may call her at (312) 353-4840 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton  
Director

Air and Radiation Division

cc: Heidi Hollenbach, District Supervisor  
Michigan Department of Natural Resources and Environment  
Grand Rapids District Office  
State Office Building, 5<sup>th</sup> Floor  
350 Ottawa Avenue NW, Unit 10  
Grand Rapids, Michigan 49503-2341

Thomas Hess  
Michigan Department of Natural Resources and Environment  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909

5. The affected source includes all furnace melting operations located at any secondary nonferrous metals processing facilities. 40 C.F.R. § 63.11463.

6. The Secondary Nonferrous Metals NESHAP required the owner and operator of an existing affected source to achieve compliance with the applicable provisions by December 26, 2007. 40 C.F.R. § 63.11464(a).

7. The Secondary Nonferrous Metals NESHAP requires that owners and operators of existing affected sources conduct performance testing within 180 days of December 26, 2007 and report the results in a notification of compliance status. 40 C.F.R. § 63.11466(a).

8. The Secondary Nonferrous Metals NESHAP requires that owners and operators of existing affected sources submit an initial notification no later than 120 days after December 26, 2007. 40 C.F.R. §§ 63.9(b)(2) and 63.11469.

9. The Secondary Nonferrous Metals NESHAP requires that owners and operators of existing affected sources submit a notification of compliance status no later than 120 days after December 26, 2007 if the owner or operator is not required to conduct a performance test. 40 C.F.R. § 63.11469(d). The Secondary Nonferrous Metals NESHAP requires that owners and operators of existing affected sources submit a notification of compliance status no later than 60 days following completion of the performance test if the owner or operator is required to conduct a performance test. 40 C.F.R. § 63.11469(c).

#### **The Respondent's Facility**

10. Mueller Brass Company owns and operates a manufacturing facility at 302 Ashfield Street, Belding, Michigan, 48809.

11. Mueller Brass Company manufactures brass rods, bars and forgings at its Belding Michigan facility and therefore is a brass ingot making plant.

12. Mueller Brass Company uses furnace melting operations to melt post consumer nonferrous metal scrap to make brass ingots at its facility.

13. As a brass ingot making plant that uses furnace melting operations to melt post consumer nonferrous metal scrap to make brass rods, Mueller Brass Company's facility is a secondary nonferrous metals processing facility pursuant to the Secondary Nonferrous Metals NESHAP. 40 C.F.R. § 63.11472.

14. Based on emissions reports submitted to the State of Michigan, the Mueller Brass Company facility is a stationary source that emits less than 10 tons per year of any HAP and less than 25 tons per year of any combination of HAP, and is therefore an area source of HAP emissions.

15. The Mueller Brass Company facility is a brass ingot maker in the Secondary Nonferrous Metals Processing area source category.

16. The Mueller Brass Company facility is a secondary nonferrous metals processing facility that is an area source of HAP emissions and therefore subject to the Secondary Nonferrous Metals NESHAP, pursuant to 40 C.F.R. § 63.11462.

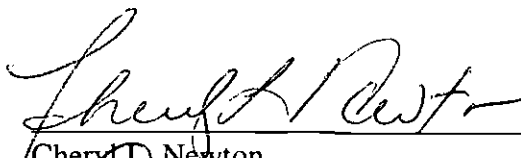
### Violations

17. Mueller Brass Company failed to submit an initial notification, in violation of 40 C.F.R. § 63.9(b)(2) and 63.11469(a).

18. Mueller Brass Company failed to submit a notification of compliance status, in violation of 40 C.F.R. § 63.11469(b).

19. Mueller Brass Company failed to conduct performance testing and report the results in a notification of compliance status, in violation of 40 C.F.R. § 63.11466.

1/28/11  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-11-MI-03, by

Certified Mail, Return Receipt Requested, to:


James H. Rourke, President, Industrial  
Products Division  
Mueller Brass Company  
302 Ashfield Street  
Belding, Michigan, 48809

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Heidi Hollenbach, District Supervisor  
Michigan Department of Natural Resources & Environment  
Grand Rapids District Office  
State Office Building, 5<sup>th</sup> Floor  
350 Ottawa Avenue NW, Unit 10  
Grand Rapids, Michigan 49503-2341

Thomas Hess  
Michigan Department of Natural Resources & Environment  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909

On the 31<sup>st</sup> day of January 2011.



Betty Williams  
Administrative Program Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER:

769916800000 76702065